

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

CM/ECF USERS' ADVISORY GROUP

JULY 24, 2001 MEETING

MINUTES

A meeting of the CM/ECF Users' Advisory Group (UAG) was held on Tuesday, July 24, 2001. The meeting, which was held via video teleconference at the Court's Alexandria, Norfolk and Richmond facilities, commenced at 12:30 PM and concluded at 1:50 PM. The following persons were in attendance at the meeting: Debera Conlon, Barry Spear, Charles Krumbein, Bill Parkinson, Peggy Grivetti, Steve Kopacki, Chuck Miller, Renee Paxton, Barry Wells, Karin Doggett, Debbie Lowe, Dick Napoli and Bill Redden.

Opening Comments and Approval of Minutes from Last UAG Meeting (*Bill Redden*)

Bill Redden made some opening comments. The minutes from the May 23, 2001, meeting were approved and will be posted to the Court's ECF home page at the Court's Internet web site and transmitted, via e-mail, to registered ECF users. [**Update:** The minutes have been posted and transmitted.]

Bill also noted other matters of interest:

Comment was made on the status of the bankruptcy reform legislation pending in the Senate. [**Update:** The formal meeting of the House and Senate conferees, which had been scheduled for Wednesday, September 19, 2001, has been postponed indefinitely in the wake of the recent terrorist attacks on New York City and at the Pentagon in Northern Virginia.]

Reference also was made to recent EDVA ECF petition filing statistics.

1. Current Status and Information of Interest

a. WebPACER Electronic Access (EPA) Fee – AO Fee Impact Study Report (*Bill Redden*)

Bill noted that the AO had received an EPA fee impact study report from a contractor tasked by the AO to undertake such a study. The study is undergoing internal review by the AO in preparation for making implementation recommendations to the Judicial Conference of the United States. Bill will keep the UAG advised of further developments concerning the implementation by the AO of any changes to the current EPA fee.

b. NIBS Conversion Program Update (*Karin Doggett and Barry Wells*)

Karin Doggett reported that the Delaware Bankruptcy Court, which has smaller ECF and NIBS e-docket data storage requirements than its counterparts in the EDVA for conversion testing purposes on existing ECF server equipment, is continuing to test the NIBS conversion program. Once the new EDVA ECF server equipment arrives, is installed and “burned in”, EDVA will commence testing NIBS e-docket data for conversion and data migration from NIBS to CM/ECF. In addition, some further development of the NIBS conversion program is required to meet several EDVA specific needs. [Update: On July 30, 2001, the Delaware Bankruptcy Court successfully completed the migration of its NIBS e-docket data to CM/ECF. On September 4, 2001, the EDVA’s new ECF server equipment was delivered. Installation of the hardware originally was scheduled to take place on September 18, 2001. The AO’s installation contractor, however, has been tasked to provide support to the federal government in dealing with the aftermath of the tragic events of September 11. Hardware installation is scheduled to take place during the first week of October 2001. At this time, following hardware installation, a hardware “burn-in” period and extensive mock migrations of the NIBS e-docket data, the migration of the NIBS e-docket data to CM/ECF is scheduled to occur over the February 2002 Presidents’ Day holiday weekend.]

c. Bankruptcy Noticing Center/Electronic Bankruptcy Noticing (*Bill Redden*)

Bill provided an update on the EDVA’s implementation of Electronic Bankruptcy Noticing Phase II services through the Bankruptcy Noticing Center and for notice recipients to sign up directly with the BNC. The procedure for securing EBN Phase II services has been posted to the EDVA’s Bankruptcy Online Support link, which can be accessed through the EDVA’s Internet and ECF home pages. [Update: Development of an EDVA Internet EBN home page is nearing completion and should be online in October 2001. The clerk will be sending a mailing to Bar in October 2001, through the BNC, announcing the availability of EBN Phase II.]

2. Communication and Training Efforts

a. External Users’ Training – Development of Users’ Participant Guide and Status of Securing CLE Credit for Such Training (*Renee Paxton and Dick Napoli*)

Renee Paxton noted that binders for the ECF users’ “Participants Guide” had arrived and would be provided to ECF trainees at the Court’s ECF training sessions. Revisions to the “Participants Guide” have been completed.

Trainees may use the binder to include updated training materials secured from the Training Manuals link at the EDVA's ECF Home Page. A proposal has been submitted to the Virginia State Bar to secure CLE credit for these training sessions. **[Update:** A revised proposal has been prepared and is being presented to the Virginia State Bar for further review and determination.]

b. Courts Visiting EDVA to View ECF (*Dick Napoli*)

Several bankruptcy courts have asked to visit the EDVA to view ECF. Arrangements are being made for court visits in September 2001. **[Update:** Representatives from the Missouri Eastern and Puerto Rico bankruptcy courts visited the EDVA on September 11. Given the events on that date, the scheduled events for that day were set over to September 12.]

c. CM/ECF Version 2 Update (*Bill Redden*)

Bill provided an update of the status of Bankruptcy CM/ECF Version 2. At this time, Version 2 is scheduled for release by the AO in spring 2002. Bill briefly made note of several of the planned features of this release. **(Update:** On September 21, 2001, the AO issued a memorandum to all courts indicating that due the September 11 terrorist activity, the implementation of some national automation projects may be delayed. Specific automation projects, however, were not mentioned.)

3. Handout Materials (*at meeting sites*)

A spreadsheet on total ECF filings, by division, through June 2001, was provided to the UAG members. In addition, a series of bar graphs showing ECF filings from July 1-23, 2001, were provided to the UAG members.

4. Technical Questions

No technical questions were raised at the meeting.

5. Issues of Interest to UAG Members

a. Case Upload Data Program Presentation (*Debbie Lowe*)

Bill provided some introductory comments on the new case upload data program and noted a disclaimer from the Court concerning use of this feature through petition preparation software vendors. Debbie Lowe made a presentation on the new case upload data program and demonstrated the program to the UAG members. A handout on this feature also was provided to the UAG members. The new program will be available on or about August

15, 2001. (**Update:** The program was made available on August 15 and has been well received by users.)

b. ECF Order Process Program Update (*Barry Wells*)

Internal development of the ECF order process program is continuing with Barry Wells and Michael Johnson taking a leading role in the development of this program. [**Update:** An instruction manual has been developed and the program is being tested internally in chambers. Once this testing process is completed, external testing with volunteer attorneys will begin.]

c. AO/Sprint Efforts to Improve Reliability and Accessibility to Courts' ECF Data (*Barry Wells*)

Barry provided an update on the status of AO and Sprint efforts to improve reliability and accessibility to ECF courts' data, including EDVA ECF data. The AO has confirmed that the EDVA has been slated to receive an upgrade from a fractional T1 line to a full T1 line. While such an upgrade likely will not increase access speed to the EDVA's ECF data, it should increase the reliability of access through the PACERNet.

Comment was made about a problem external ECF users were having in downloading large documents and having their access in the downloading process time-out. It was explained that the AO has incorporated a cookie that times out users after a certain period of time elapses. This concern has been brought to the AO's attention. In recognition of this limitation, the clerk's office has added two new features to the EDVA ECF Home Page. The first feature allows external users to access the e-dockets and docketed documents in EDVA mega cases. The second feature will be added at the end of July. This feature permits accessing the docket activity reports for each division in the EDVA for the previous seven-calendar-day period. The report feature is updated daily. (**Update:** Both of these new features have been well received by external ECF users.)

6. Other Issues of Interest

Bill provided the UAG members with a handout item on the future administration of bankruptcy cases in the EDVA. Bill noted that he was seeking input from the UAG and the from the EDVA local liaison committees on how best to proceed in the administration of bankruptcy cases in the EDVA. A copy of the handout is appended to these minutes. In essence, the clerk's office, for the Court, is seeking the best way to conclude the administration of cases in NIBS, migrate NIBS data to CM/ECF, and to administer electronically bankruptcy cases and adversary proceedings in CM/ECF. Following considerable discussion, the UAG provided a favorable view about the information set out in the handout provided that access to the Court would not be denied to those members of the Bar who do not have

the financial ability and are without the necessary equipment to undertake filings electronically. **(Update:** In a notice of planned changes in bankruptcy case administration in the EDVA, dated September 17, 2001, the clerk provided the Bar with detailed information on this critically important subject. The notice memorandum has been mailed, through the BNC, to the EDVA Bar. In addition, the notice memorandum has been physically posted at each division of the Court and electronically placed at the EDVA Internet and ECF home pages. Also, a flier has been made available for distribution at each division's Intake counter.

7. Next Meeting Date, Location(s) and Time

The next UAG meeting will be scheduled for Tuesday, September 25, 2001. The meeting will be held via video teleconference, through Sprint, from 12:30 PM to 2:15 PM, at the Court's Alexandria, Norfolk and Richmond facilities. UAG members are requested to provide Bill Redden with proposed agenda items, issues of interest and technical questions on a date to be determined [September 20, 2001]. This will facilitate a review by court representatives of any submitted agenda items and technical questions prior to the next UAG meeting.

An agenda for the next meeting will be sent out by the clerk's office on a date to be determined [September 21, 2001].

The meeting adjourned at 1:50 PM.

Respectfully submitted,

William C. Redden

Attachment